

**Congress of the United States**  
**Washington, DC 20515**

September 29, 2016

The Honorable Jeh Johnson  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Nebraska Avenue Complex  
3801 Nebraska Avenue NW  
Washington, DC 20528

Dear Secretary Johnson:

We are pleased you have announced that a subcommittee of the Homeland Security Advisory Council (HSAC) will review and make recommendations on the use of privately run immigration detention facilities by Immigration and Customs Enforcement (ICE). Countless reports have documented abuse and mistreatment of immigrants in for-profit detention facilities.<sup>1</sup> It is time for ICE to follow the Department of Justice (DOJ) by phasing out for-profit contracts and placing a moratorium on any prospective contracts.

Last month, the DOJ's Office of the Inspector General released an extensive report reviewing the Bureau of Prisons' (BOP) use of privately-run correctional facilities.<sup>2</sup> Based on the report, DOJ concluded that the private facilities "simply do not provide the same level of correctional services, programs, and resources; they do not save substantially on costs" and "do not maintain the same level of safety and security." Based on these findings, DOJ announced it would phase-out its contracts with the companies running these prisons.<sup>3</sup>

ICE contracts with the same companies as the BOP and in fact relies on private detention centers far more than BOP—almost 3 out of every 4 individuals detained by ICE are in private facilities, compared to 12 percent of the BOP population.<sup>4</sup> According to ICE, as of early August 2016, ICE has held more than 24,500 individuals in private facilities on an average day in 2016.<sup>5</sup> Thousands of these detainees are families with children, who should not be exposed to these conditions—especially those who have fled violence in their home countries.

We ask that you take the following steps:

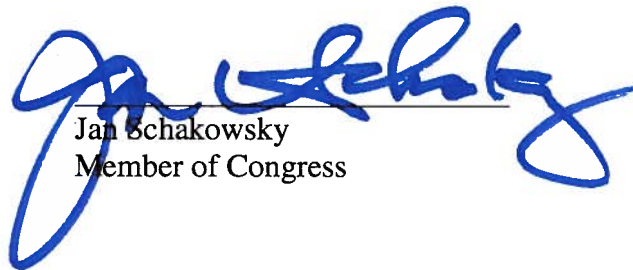
- The HSAC subcommittee should create a plan to phase-out private detention facilities as quickly as possible, following the lead of the BOP.
- DHS should not renew any contracts with private detention companies and should halt any requests for information or requests for proposals for private detention facilities, while the HSAC subcommittee review process is ongoing. According to the Project on Government Oversight, DHS has such requests pending right now.<sup>6</sup> In addition, we are aware of ongoing efforts to build new private detention centers in Illinois, New Jersey and Texas.

- DHS should reverse policy decisions that have increased the population of immigrants who are detained, including the dramatic expansion of family detention, and the increased detention of asylum seekers.
- The evaluation process should allow public input and be fully transparent to Congress and the public about its findings. In addition, immigrants affected by these policies, as well as their family members and their advocates, provide important and first-hand perspectives that should not be ignored during this process.
- The HSAC subcommittee should prohibit any current or former private prison company employee, as well as anyone with connections to a private prison board or who owns private prison stock from participating in the review process.

Thank you for your attention to this important matter.

Sincerely,

  
Raul M. Grijalva  
Member of Congress

  
Jan Schakowsky  
Member of Congress

CC:

Sarah R. Saldaña

Director

U.S. Immigration and Customs Enforcement

<sup>1</sup> Carl Takei, "No Review Necessary: Stop Using Private Prisons for Immigration Detention," August 31, 2016, ACLU. <https://www.aclu.org/blog/speak-freely/no-review-necessary-stop-using-private-prisons-immigration-detention>

<sup>2</sup> Department of Justice, Office of the Inspector General, "Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons," August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf#page=1>

<sup>3</sup> Memorandum from Sally Q Yates, Deputy Attorney General, August 18, 2016. <https://www.justice.gov/opa/file/886311/download>

<sup>4</sup> Steven Nelson, "Private Prison Companies, Punched in the Gut, Will Keep Most Federal Business." U.S. News & World Report, August 18, 2016, <http://www.usnews.com/news/articles/2016-08-18/private-prison-companies-punched-in-the-gut-will-keep-most-federal-business>; Matt Zapotosky and Chico Harlan, "Justice Department Says It Will End Use of Private Prisons," August 18, 2016, Washington Post, [https://www.washingtonpost.com/news/post-nation/wp/2016/08/18/justice-department-says-it-will-end-use-of-private-prisons/?utm\\_term=.b601580e4abd](https://www.washingtonpost.com/news/post-nation/wp/2016/08/18/justice-department-says-it-will-end-use-of-private-prisons/?utm_term=.b601580e4abd)

<sup>5</sup> Nelson, <http://www.usnews.com/news/articles/2016-08-18/private-prison-companies-punched-in-the-gut-will-keep-most-federal-business>

<sup>6</sup> Letter from Danielle Brian, Executive Director of the Project on Government Oversight, September 1, 2016. <http://www.pogo.org/our-work/letters/2016/pogo-asks-dhs-to-pause-procurement-private-detention-centers.html#ftn3>